

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**DANNY RICHARD RIVERS,
TDCJ No. 01775951,**

Petitioner,

V.

**BOBBY LUMPKIN, Director,
Texas Dep't of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. 7:21-cv-012-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE AND TRANSFERRING THIS CASE
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

Where a petition for writ of habeas corpus is second or successive, the petitioner must seek an order from the Fifth Circuit Court of Appeals that authorizes this Court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A). Because the instant petition is successive, the district court is without jurisdiction to entertain the petition unless leave to file is granted by the Court of Appeals. *See Crone v. Cockrell*, 324 F.3d 833 (5th Cir. 2003).

It is therefore **ORDERED** that the petition for writ of habeas corpus, brought pursuant to 28 U.S.C. § 2254, is hereby **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit pursuant to *Henderson v. Haro*, 282 F.3d 862, 864 (5th Cir. 2002) and *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). Petitioner's pending motions are **DISMISSED** as **MOOT**.

SO ORDERED this **23rd day of September, 2021**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE